

**[DECIDED AUGUST 6, 2024]**

No. 23-1174 (L), 23-1221

*and*

No. 23-1175 (L), 23-1222

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

CITY OF PORT ISABEL, *et al.*,

*Petitioners,*

v.

FEDERAL ENERGY REGULATORY COMMISSION,

*Respondent.*

---

On Petition for Review of Orders of the  
Federal Energy Regulatory Commission

---

**PETITIONERS' JOINT OPPOSITION TO RIO GRANDE LNG,  
RIO BRAVO PIPELINE COMPANY, AND TEXAS LNG's MOTION  
FOR LEAVE TO FILE REPLY**

Nathan Matthews  
Sierra Club  
2101 Webster St., Suite 1300  
Oakland, CA 94612  
415-977-5695  
nathan.matthews@sierraclub.org

Rebecca McCreary  
Staff Attorney  
1650 38th Street, Suite 103W  
Boulder, CO 80301  
(303) 449-5595 ext. 103  
rebecca.mccreary@sierraclub.org

*Attorneys for Carrizo Comecrudo Tribe of Texas, Sierra Club, and  
Vecinos para el Bienestar de la Comunidad Costera*

***Additional counsel listed on inside cover.***

Gilberto Hinojosa  
531 E. St. Francis St.  
Brownsville, Texas 78520  
(956) 544-4218  
ghinojosa@ghinojosalaw.net

*Attorney for City of Port Isabel*

Dated December 23, 2024

**PETITIONERS' JOINT OPPOSITON TO INTEVERVENORS'  
MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF  
PETITIONS FOR REHEARING OR REHEARING EN BANC**

The Court should deny intervenors' request to file a reply. The Federal Rules of Appellate Procedure contemplate responses to petitions for rehearing, but not replies, and intervenors have not identified anything exceptional about this case.

Intervenors' request is particularly absurd given the existing disparity in briefing. Intervenors have already filed three petitions, at nearly 3,900 words each, for 11,700 words total. Rio Grande LNG and Texas LNG then filed two FRAP 28(j) letters, at 350 words each, arguing that *Marin Audubon* supported their positions. Intervenors are further supported by *eight* amicus briefs and another 3,900 words of support from FERC. Against this mountain of briefing, Petitioners filed a single 3,900-word response. A reply would unfairly exaggerate this disparity.

Petitioners' arguments opposing rehearing could have and should have been foreseen by Intervenors. Intervenors' failure to anticipate these issues and address them in their voluminous briefing to date does not justify an otherwise-prohibited reply.

Even if *some* reply was warranted, the one Intervenor seeks to file here is hardly “concise.” Mot. at 4. Replies are normally limited to half the length of the document they reply to. For Petitioners’ 3,900-word response, that would be 1,950 words. Intervenor seeks to exceed that by 40%, with a 2,717-word reply. The Court should reject this overlong and superfluous reply outright.

Dated: December 23, 2024

Respectfully submitted,

/s/ Nathan Matthews

Nathan Matthews

Sierra Club

2101 Webster St., Suite 1300

Oakland, CA 94612

415-977-5695

nathan.matthews@sierraclub.org

Rebecca McCreary

Staff Attorney

1650 38th Street, Suite 103W

Boulder, CO 80301

(303) 449-5595 ext. 103

rebecca.mccreary@sierraclub.org

*Attorneys for Carrizo Comecrudo  
Tribe of Texas, Sierra Club, and*

*Vecinos para el Bienestar de la  
Comunidad Costera*

/s/ Gilberto Hinojosa

Gilberto Hinojosa

531 E. St. Francis St.

Brownsville, Texas 78520

(956) 554-4218

ghinojosa@ghinojosalaw.net

Attorney for City of Port Isabel

## CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 215 words.

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in proportionally spaced typeface using Microsoft Word for Windows Office 365 in 14-point Century Schoolbook.

/s/ Nathan Matthews

Nathan Matthews

Sierra Club

2101 Webster St., Suite 1300

Oakland, CA 94612

415-977-5695

nathan.matthews@sierraclub.org

*Attorney for Carrizo Comecrudo Tribe  
of Texas, Vecinos para el Bienestar de  
la Comunidad Costera, and Sierra  
Club*

## CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, I have served the foregoing Joint Opposition for Leave to File a Reply on all registered counsel through the Court's electronic filing system (ECF).

/s/ Nathan Matthews

Nathan Matthews

Sierra Club

2101 Webster St., Suite 1300

Oakland, CA 94612

415-977-5695

nathan.matthews@sierraclub.org

*Attorney for Carrizo*

*Comecrudo Tribe of*

*Texas, Vecinos para el*

*Bienestar de la*

*Comunidad Costera, and*

*Sierra Club*